

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHARLES A. JONES,)
Plaintiff,) 3:14-cv-00199-LRH-WGC
v.)
ALL AMERICAN AUTO PROTECTION,) ORDER
INC.; ROYAL ADMINISTRATION)
SERVICES, INC.; HAROUT)
PAMBUCKCHYAN; RAFFI SADEJYAN;)
and JASON GARCIA;)
Defendants.)

)

Before the Court is the Report and Recommendation of Magistrate Judge William G. Cobb (Doc. #55¹) entered on January 8, 2015, recommending that Defendant All American Auto Protection, Inc.'s ("All American") Answer (Doc. #22) be stricken and a default be entered against said defendant. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

Since the date of the Report and Recommendation, Plaintiff filed an Amended Complaint (Doc. #58), which was served upon all Defendants prior to February 1, 2015. On February 12, 2015, Defendant Royal Administrative Services, Inc. filed an Answer to Plaintiff's First Amended

¹ Refers to Court's docket number.

1 Complaint. Doc. #70. Defendant All American never filed an answer to the Amended Complaint
 2 despite being served a summons. *See* Doc. #67.

3 A magistrate judge's orders operate as final determinations of pretrial matters under 28 U.S.C.
 4 § 636(b)(1)(A) and Local Rule IB 1-3. Accordingly, a district judge may reconsider a magistrate
 5 judge's order only if it is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R.
 6 Civ. P. 72(a); LR IB 3-1(a). The Magistrate Judge's recommendation that the Court strike All
 7 American's Answer to the original Complaint certainly was not clearly erroneous or contrary to law,
 8 as it is well-established that "[a] corporation may appear in federal court only through licensed
 9 counsel." *United States v. High Country Broad. Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (citing
 10 *Rowland v. Cal. Men's Colony*, 506 U.S. 194 (1993)). The Court therefore adopts the Magistrate
 11 Judge's Report and Recommendation and strikes All American's Answer to the original Complaint
 12 (Doc. #22).

13 Four Defendants have not yet filed answers to Jones' Amended Complaint despite being
 14 properly served: All American, Harout Pambuckchyan, Raffi Sadejyan, and Jason Garcia.

15 A defendant must answer a complaint within twenty-one days of being served. Fed. R. Civ.
 16 P. 12(a)(1)(A)(I). If a defendant fails to respond to a complaint, obtaining default judgment is a "two-
 17 step process." *Eitel v. McCool*, 783 F.2d 1470, 1471 (9th Cir. 1986). First, the clerk of court enters
 18 default against the non-responsive defendant on plaintiff's request. Fed. R. Civ. P. 55(a). Once the
 19 clerk has entered default judgment, the plaintiff can petition the court for entry of default judgment.
 20 *Id.* at 55(b)(2). The "grant or denial of a motion for the entry of default judgment is within the
 21 discretion of the court." *Lau Ah Yew v. Dulles*, 236 F.2d 415, 416 (9th Cir. 1956).

22 Defendants Pambuckchyan, Sadejyan, Garcia, and All American have not claimed any excuse
 23 for their failure to Answer the Amended Complaint, despite effective service. The Clerk of Court
 24 entered default against Defendants Pambuckchyan and Sadejyan on March 18, 2015, and against
 25 Defendant Garcia on April 9, 2015. Doc. #75; Doc. #76; Doc. #82. However, Jones has not requested
 26 that the Court enter default judgment against these non-responsive Defendants. The Court orders that

1 Defendants All American, Pambuckchyan, Sadejyan, and Garcia must show cause within fourteen days
2 of this Order why the Court should not enter default judgment against each Defendant who has not
3 Answered Jones' First Amended Complaint.

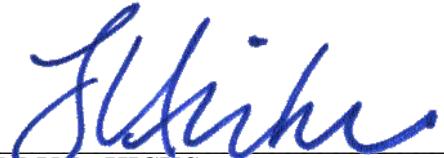
4 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
5 entered on January 8, 2015 (Doc. #55), is hereby ADOPTED.

6 IT IS FURTHER ORDERED that the Clerk of Court shall STRIKE defendant All American
7 Auto Protection, Inc.'s Answer (Doc. #22).

8 IT IS FURTHER ORDERED that Defendants All American, Pambuckchyan, Sadejyan, and
9 Garcia must show cause regarding why the Court should not enter default judgment within twenty (20)
10 days of this Order.

11 IT IS SO ORDERED.

12 DATED this 9th day of September, 2015.


13 LARRY R. HICKS
14 UNITED STATES DISTRICT JUDGE
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